

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION - W/S Back *
River Neck Road, 99.91' N of * DEPUTY ZONING COMMISSIONER
the c/l Tripgate Road *
(202 Back River Neck Road) * OF BALTIMORE COUNTY
15th Election District *
5th Councilmanic District * Cases Nos. 98-396-SPH and
98-442-X

Patrick J. Malec, Legal Owner/Petitioner;
Eastgate Apartment Co., Co-Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of combined Petitions for Special Hearing and Special Exception. At issue in both cases is the property owner's use of the site as a commercial carry-out operation. In Case No. 98-396-SPH, a Petition for Special Hearing was filed by David R. Tini, President, CT Management, Inc., on behalf of the Eastgate Apartment Company, Inc., through their attorney, Anthony J. DiPaula, Esquire. In that case, the Petitioner sought a determination as to whether the spirit and intent of Section 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) was violated when the owner constructed a detached carry-out crab store under a permit originally obtained to construct an attached garage to an existing single-family dwelling in a B.L. zone. In Case No. 98-442-X, a Petition for Special Exception was filed by the owner of the property, Patrick J. Malec, through his attorney, Benjamin Bronstein, Esquire, requesting a special exception to permit living quarters in a commercial building.

Both Petitions were scheduled for a public hearing on the same date at the same time. Appearing at the hearing on behalf of the special hearing request were Stella L. Mihauetz, a representative of the Eastgate Apartment Company, Rick Chadsey, Professional Engineer with George W. Stephens, Jr. and Associates, Inc., and Anthony J. DiPaula, Esquire,

COUCH RECEIVED
DATE 7/27/98
BY [signature]

attorney for the Protestants. In addition, two representatives from the Baltimore County Department of Permits and Development Management (DPDM) were summoned to appear, namely, John Altmeyer and Doug Swam. Appearing on behalf of the special exception request were Patrick Malec, legal owner of the property, Thomas A. Church, Professional Engineer with Development Engineering Consultants, Inc. who prepared the site plan of this property, which was accepted and marked into evidence as Petitioner's Exhibit 1, and Benjamin Bronstein, Esquire, attorney for the Owner. There were no other interested persons present.

Testimony and evidence offered revealed that the subject property consists of two parcels with a combined gross area of 0.67 acres, more or less, zoned B.L. Parcel 1 consists of approximately 0.16 acres and is unimproved but for a sidewalk and privacy fence. Parcel 2 consists of approximately 0.51 acres, more or less, and contains the bulk of the improvements on this property, namely, a 1.5-story dwelling, which is proposed for use as a caretaker's residence, a 1-story brick and masonry building which is used as a carry-out crab house, and an attached 1-story brick garage. The property is located on the west side of Back River Neck Road at its intersection with Tripgate Road, about 1/4 mile south of the Town and Country Shopping Center in Essex. Mr. Malec, legal owner of the property, is a commercial crabber and operates a carry-out seafood business from the subject site. Mr. Malec's mother has resided in the existing dwelling for many years and oversees the property and assists in the operation of the seafood business. On January 21, 1997, the Petitioner obtained a building permit to construct the 1-story brick and masonry building to be attached to the rear of the existing dwelling via a breezeway. On January 28, 1997, the Petitioner obtained a second building

Petitioner obtained a second building permit to construct the garage, with a workshop and powder room added. On May 29, 1997, the Petitioner obtained a third building permit for a change of occupancy for the existing dwelling and two-car garage to a carry-out crab house.

The Protestants filed the Petition for Special Hearing for a determination as to whether the Petitioner is in violation of Section 102.2 of the B.C.Z.R. That provision provides that no particular yard space of one use is to be calculated or utilized in considering the yard space of an additional building or use on the property. The application of that Section to this property relates to the existing residence on this property along with the commercial carry-out operation. The Petitioner sought to remedy any conflict with that provision by connecting the carry-out crab business with the dwelling by way of a breezeway. By virtue of attaching the two structures with a breezeway, the dwelling is incorporated into the commercial crab business, and thus, one commercial building is created. The combination of the two buildings eliminates the application of Section 102.2 to this property, and avoids many of the setback requirements that would be applicable were the buildings to remain separate. However, the connection of the two buildings necessitates the request for special exception to allow living quarters in a commercial building.

Testifying in opposition to the special exception was Mr. Rick Chadsey, a professional engineer with George W. Stephens, Jr. and Associates, Inc., who was retained by the Eastgate Apartment Company to represent them in this matter. Mr. Chadsey testified that the Petitioner proceeded in this unusual fashion to avoid certain setback requirements, and, possibly, storm water management requirements. In addition, Mr. Chadsey testified that the site plan submitted into evidence as Petitioner's

ORDER RECEIVED FOR FILING
Date 7/27/98
By [Signature]

Exhibit 1 is flawed in that it does not show all structures located within 200 feet of the Petitioner's property line. Lastly, Mr. Chadsey opined that the subject property, which consists of two separate parcels, should have been combined under one deed into one parcel.

Testimony was also offered by John Altmeyer and Doug Swam, both of whom are representatives of the Department of Permits and Development Management (DPDM). Messrs. Altmeyer and Swam were summoned to appear on behalf of the Protestants. These gentlemen testified that Mr. Malec had proceeded through the permit process to open his carry-out business in an unusual fashion. Testimony indicated that Mr. Malec first applied for a permit to construct a one-story garage on his property, to be used in conjunction with the existing residence. Subsequently, the Petitioner requested approval to add a powder room and workshop to the garage, and later, sought a change in use of that building from a garage to a carry-out business. The Protestants believe that the Petitioner proceeded in this fashion to avoid certain requirements imposed by the zoning regulations. However, Mr. Altmeyer testified that by virtue of the change in use of the garage to a carry-out crab business, all inspections necessary by Baltimore County were performed and the structure passed all County Code requirements.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and

requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, and in anticipation of the Petitioner's plans to connect the two buildings in question, I am persuaded to grant the Petition for Special Exception filed by the owner of the property in Case No. 98-442-X. However, certain terms and restrictions shall be imposed as a condition to the relief granted. In addition, the Petition for Special Hearing filed by the Protestants in Case No. 98-396-SPH should be denied in that Section 102.2 of the B.C.Z.R. will no longer be applicable upon completion of this connection. As such, the property owner will not be in violation of the B.C.Z.R. and the use proposed meets the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception relief requested in Case No. 98-442-X shall be

granted and the Petition for Special Hearing filed in Case No. 98-396-SPH shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of July, 1998 that the Petition for Special Exception to permit living quarters in a commercial building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

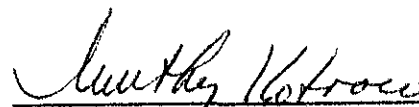
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Within ninety (90) days of the date of this Order, the Petitioner shall have completed construction of the breezeway to connect the existing dwelling with the carry-out building so as to create one commercial building. Failure to proceed with this connection shall result in a revocation of the special exception relief granted herein.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that Section 102.2 of the B.C.Z.R. will no longer be applicable upon completion of this connection, and as such, the property owner is not in violation of the B.C.Z.R. and the use proposed meets the spirit and intent of the zoning regulations. Therefore, the Petition for Special Hearing filed in Case No. 98-396-SPH, be and is hereby DENIED.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 27, 1998

Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
W/S Back River Neck Road, 99.91' N of the c/l Tripgate Road
(202 Back River Neck Road)
15th Election District - 5th Councilmanic District
Patrick J. Malec, Legal Owner/Petitioner; Eastgate Apartment Co.,
Protestants/Co-Petitioner
Cases Nos. 98-396-SPH and 98-442-X

Dear Messrs. Bronstein and DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted and a finding has been made in the Petition for Special Hearing, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Patrick J. Malec
P.O. Box 7795, Baltimore, Md. 21221

Mr. David R. Tini, President, CT Management, Inc.
4700 Corridor Place, Suite A, Beltsville, Md. 20705

Ms. Stella L. Mihauetz, 2-A Fore Court, Baltimore, Md. 21221
People's Counsel; Case Files





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

202 Back River Neck Road

which is presently zoned

BL

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

LIVING QUARTERS IN A COMMERCIAL BUILDING.
(caretaker's residence as part of a commercial structure)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner: Benjamin Bronstein, Esq
George & Bronstein, LLP

(Type or Print Name)

Signature

29 W. Susquehanna Ave., Suite 205

Address (410) 296-0200 Phone No.

Towson, Maryland 21204

City State Zipcode

Legal Owner(s):

Patrick J. Malec

(Type or Print Name)

Signature

(Type or Print Name)

Signature

P.O. Box 7795 (410) 687-0485
Address Phone No.

Baltimore, Maryland 21221

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Thomas Church, P.E.

Name

6603 York Road, Baltimore, MD 21212

Address (410) 377-2600 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE

98-442-X

ORDER RECEIVED FOR FILING

Date

By

DROP OFF
NO REVIEW
5/18/98
UCR

Zoning Administration

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION #1

#202 BACK RIVER NECK ROAD

BEGINNING AT A POINT ON THE WEST SIDE OF BACK RIVER NECK ROAD WHICH IS 60 FEET WIDE AT THE DISTANCE OF 99.91 FEET NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, TRIPGATE ROAD WHICH IS 47 FEET WIDE.

BEING THE SAME PROPERTY AS RECORDED IN DEED LIBER 8560, FOLIO 092 DESCRIBED AS FOLLOWS: SOUTH 56 DEGREES 13 MINUTES 11 SECONDS WEST, 139.28 FEET; SOUTH 33 DEGREES 46 MINUTES 49 SECONDS EAST, 50.00 FEET; NORTH 56 DEGREES 13 MINUTES 11 SECONDS EAST, 140.20 FEET; AND NORTH 34 DEGREES 50 MINUTES 05 SECONDS WEST, 50.01 FEET TO THE PLACE OF BEGINNING.

CONTAINING 0.16 ACRES OF LAND, MORE OR LESS.

ALSO KNOWN AS 202 BACK RIVER NECK ROAD AND LOCATED IN THE 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT.



98-442-X

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION #2

PARCEL ADJACENT TO
#202 BACK RIVER NECK ROAD

BEGINNING AT A POINT ON THE WEST SIDE OF BACK RIVER NECK ROAD WHICH IS 60 FEET WIDE AT THE DISTANCE OF 105.62 FEET NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, TRIPGATE ROAD WHICH IS 47 FEET WIDE.

BEING THE SAME PROPERTY AS RECORDED IN DEED LIBER 11986, FOLIO 451 DESCRIBED AS FOLLOWS: SOUTH 83 DEGREES 40 MINUTES 11 SECONDS WEST, 213.17 FEET; SOUTH 33 DEGREES 46 MINUTES 49 SECONDS EAST, 203.89 FEET; NORTH 56 DEGREES 13 MINUTES 11 SECONDS EAST, 191.28 FEET; AND NORTH 34 DEGREES 50 MINUTES 05 SECONDS WEST, 49.90 FEET; SOUTH 56 DEGREES 13 MINUTES 11 SECONDS WEST, 140.20 FEET; NORTH 33 DEGREES 46 MINUTES 49 SECONDS WEST, 50.00 FEET; NORTH 56 DEGREES 13 MINUTES 11 SECONDS EAST, 139.28 FEET; AND NORTH 34 DEGREES 50 MINUTES 05 SECONDS WEST, 5.62 FEET TO THE PLACE OF BEGINNING.

CONTAINING 0.51 ACRES OF LAND, MORE OR LESS.

ALSO KNOWN AS PARCEL 1079 AND PART OF PARCEL 357 ON TAX MAP 97 AND LOCATED IN THE 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 048752

DATE 5/18/98 ACCOUNT 001-6150
AMOUNT \$ 300.00 (WCR)

RECEIVED FROM: George & Bronstein

FOR: #048 #050 - SPECIAL EXCEPTION
202 Back River Neck Road Item #442
Drop-Off -- No Review Case #98-442-X

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
5/20/1998 5/19/1998 15:46:22
REF #566 CASHIER PCAS INC DINNER ?
5 MISCELLANEOUS CASH RECEIPT
Receipt # 048042
CHK NO. 048752
300.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #88-442-X

202 Back River Neck Road
SW/S Back River Neck Road,
corner WWS Tringate Road
15th Election District
5th Connetquot District

Legal Owner(s):

Patrick J. Mabe

Special Exception for living
quarters in a commercial
building.

Hearing: Monday, July 6,
1998 at 2:30 p.m., in Room
407, County Courts Bldg.,
401 Beasley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible, for
special accommodations
Please Call (410) 887-3353.
(2) For information concern-
ing the file and/or hearing,
Please Call (410) 887-3391.

6/26/1 June 18 C237/441

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/18, 1998

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 6/18, 1998.

THE JEFFERSONIAN,

A. H. Erickson
LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case # 98-442-X
Petitioner/Developer:
(Patrick J. Malec)
Date of Hearing/Closing:
(July 6, 1998)

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____
202 Back River Neck Road Baltimore, Maryland 21221 _____**

**The sign(s) were posted on _____ June 19, 1998 _____
(Month, Day, Year)**

Sincerely,

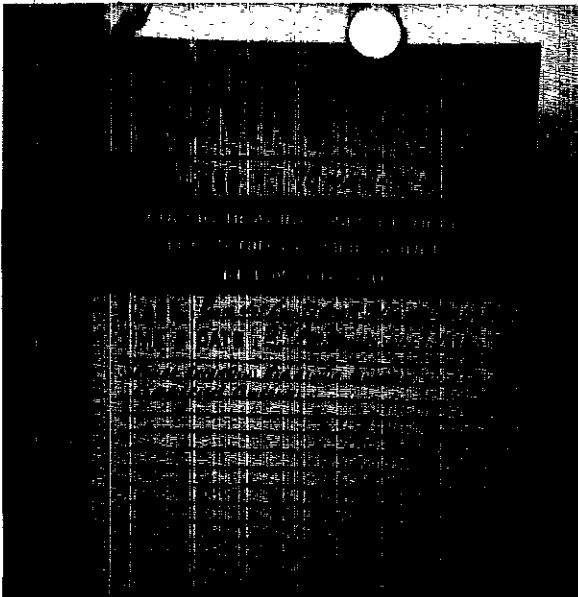

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

**_____ (410)-687-8405 _____
(Telephone Number)**



Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ITEM 442

ZONING NOTICE

Case No.: 98-442-X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL EXCEPTION FOR LIVING
QUARTERS IN A COMMERCIAL
BUILDING.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 8, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-442-X
202 Back River Neck Road
SW/S Back River Neck Road, corner NW/S Tripgate Road
15th Election District - 5th Councilmanic District
Legal Owner: Patrick J. Malec

Special Exception for living quarters in a commercial building.

HEARING: Monday, July 6, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Benjamin Bronstein, Esquire
Patrick J. Malec
Thomas Church, P.E.
Anthony J. DiPaula, Esquire

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 21, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



RE: PETITION FOR SPECIAL EXCEPTION
202 Back River Neck Road, SW/S Back River Neck
Rd, cor NW/S Tripgate Rd, 15th Election District,
5th Councilmanic

Legal Owners: Patrick J. Malec

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 98-442-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein Esq., George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 29, 1998

Benjamin Bronstein, Esq.
George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204

RE: Item No.: 442
Case No.: 98-442-X
Petitioner: Patrick J. Malec
Location: 202 Back River Neck
Road

Dear Mr. Bronstein:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 18, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

June 12, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: Patrick J. Malec
Trustees of Mt. Carmel Methodist Epis-
copal Church of Baltimore County

Location: DISTRIBUTION MEETING OF June 8, 1998

Item No.: 442 and 454 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 6.6.98
Item No. 442 WCR

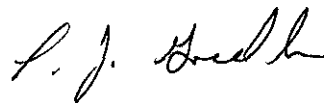
Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,


for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: June 23, 1998

FROM: *pub* Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for June 15, 1998
 Item Nos. 442, 443, 444, 445, 450,
 451, 452, ~~453~~, 454, 455, 457, 458,
 459, 462, 463, 464, 465

Use Permit for Farmer's Roadside Stand
John D. Barone & Beverlae Barone
E/S York Road, 260' S of Sparks Road
(14943 York Road)

16844 Wesley Chapel Road
Case No. 98-381-SPHA

1820 Clearwood Road
Case No. 98-438-SPHA

Hereford Plaza
Case No. 97-308-SPHA

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0615.NOC

Jim
7/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

DATE: June 24, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 202 Back River Neck Road

INFORMATION

Item Number: 442

Petitioner: Malec Property

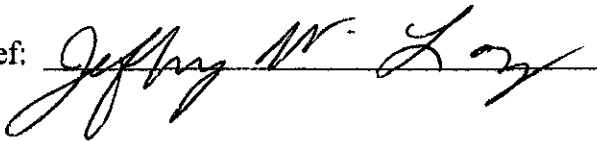
Zoning: BL

Requested Action: Special Exception

Summary of Recommendations:

The Office of Planning supports the subject request provided that there are no unresolved issues regarding Item 396. In the aforementioned case a special hearing was filed to address matters related to a carry-out crab store.

Division Chief:



AFK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

DATE: 6/15/98

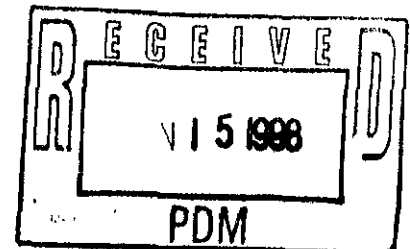
SUBJECT: Zoning Advisory Committee
Meeting Date: June 8

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	441	453
	442	455
	443	457
	445	458
	450	459
	452	462

RBS:sp

BRUCE2/DEPRM/TXTSBP





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 19, 1998

Benjamin Bronstein, Esquire
George and Bronstein, LLP
Susquehanna Building, Suite 205
29 West Susquehanna Avenue
Towson, MD 21204

RE: Drop-Off Petition (Item #442)
202 Back River Neck Road

Dear Mr. Bronstein:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosure





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 12, 1998

Benjamin Bronstein, Esquire
George & Bronstein, LLP
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204

RE: Drop-Off Petition Review (Item #442)
202 Back River Neck Road
15th Election District

Dear Mr. Bronstein:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Bruno Rudaitis".

Bruno Rudaitis
Planner II
Zoning Review

BR:rye

Enclosure (receipt)

c: Zoning Commissioner



LAW OFFICES
GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204

(410) 296-0200
FAX: (410) 296-3719

442

300 00

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

May 18, 1998

CONSTANCE K. PUTZEL
OF COUNSEL

HAND DELIVERED

Arnold Jablon, Director
Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: **202 Back River Neck Road**

Dear Mr. Jablon:

In reference to the above entitled property I am hereby enclosing the following:

1. Petition for Special Exception in triplicate.
2. Twelve (12) copies of the Development Plan and Plat to Accompany Special Exception.
3. Three (3) copies of the description under seal.
4. Copy of the 200 Scale Zoning Map.
5. My check to cover costs.

Please enter my appearance on behalf of Petitioner.

PLEASE CONSOLIDATE THIS CASE FOR HEARING WITH CASE NO. 98-396-SPH WHICH IS CURRENTLY SET IN FOR HEARING ON JUNE 8, 1998 AT 9:00 a.m. AND RESCHEDULE THE CASES AS I HAVE A CONFLICT ON THAT DATE.
Thank you for your kind attention and consideration to this matter.

OK
per
WCR
5/18/98

No Violations
John Lewis
DROP-OFF
NO REVIEW
5/18/98

Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh
Enclosures

98-442-X

PETITIONER'S

PLEASE PRINT CLEARLY

~~BALTIMORE COUNTY REPRESENTATIVES~~

SIGN-IN SHEET

NAMEADDRESS

Deyann Jonstern

2940 Susquehanna Ave 21204

PATRICK J. MACE

202 Back River Neck Rd 21221



CASE 98-442X

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

ANTHONY J. DiPAULA, Esq.

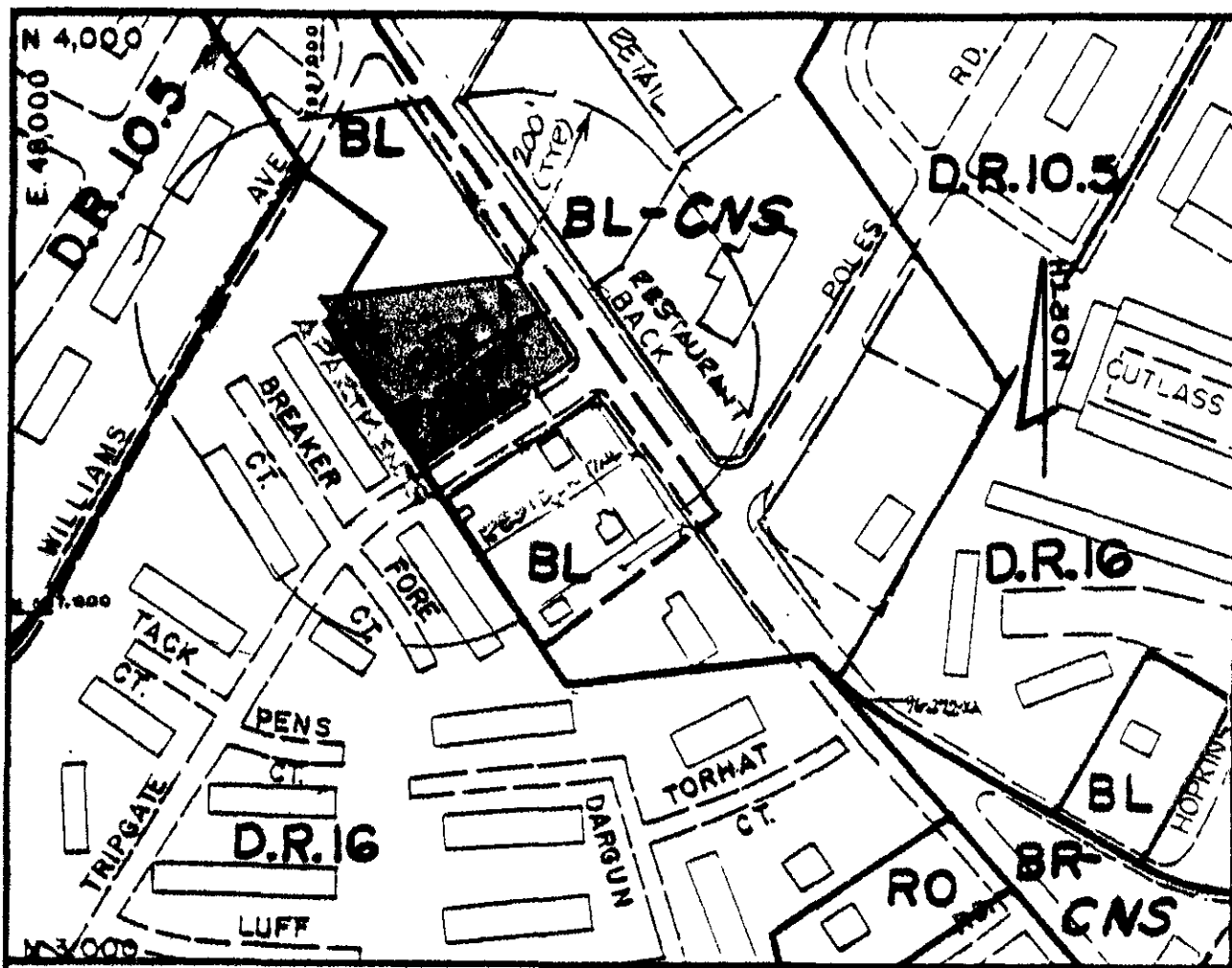
614 BORLEY AVE - 2120X

Stella L. MitHauetz

2A fore Ct. 21221

Rick chadsey



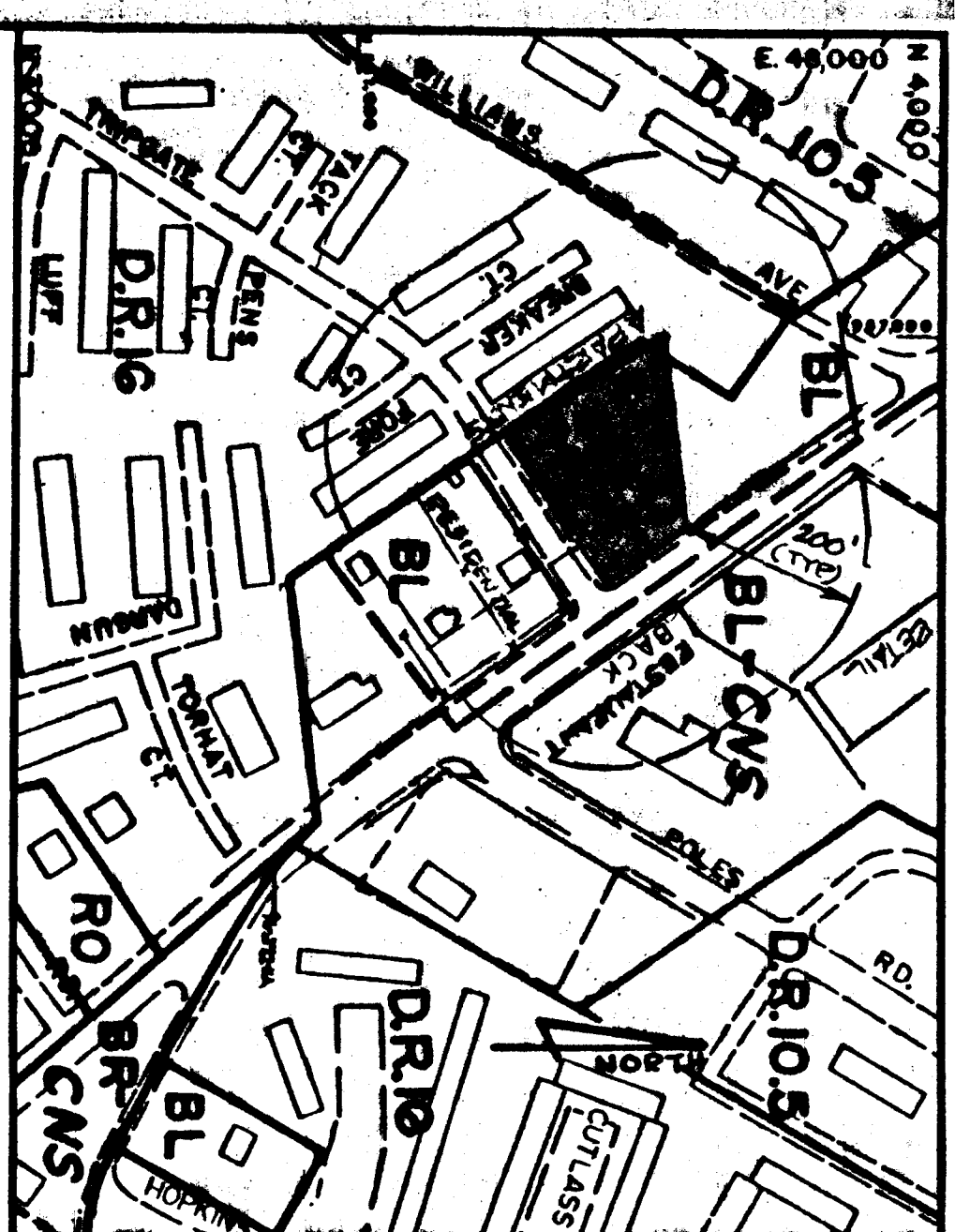


DETAIL SHOWING ZONING AND
BUILDINGS ON ADJACENT SITES
SCALE: 1" = 200'

98.442-X

ZONING MAP
202 BACK RIVER
NECK RD.
BALTO. CO., MD., ELECT. DIST. #15
1" = 200' 5/18/98
REF. MAP. NE 1 I

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL EXCEPTION



DETAIL SHOWING ZONING AND BUILDINGS ON ADJACENT SITES
SCALE: 1"=200'

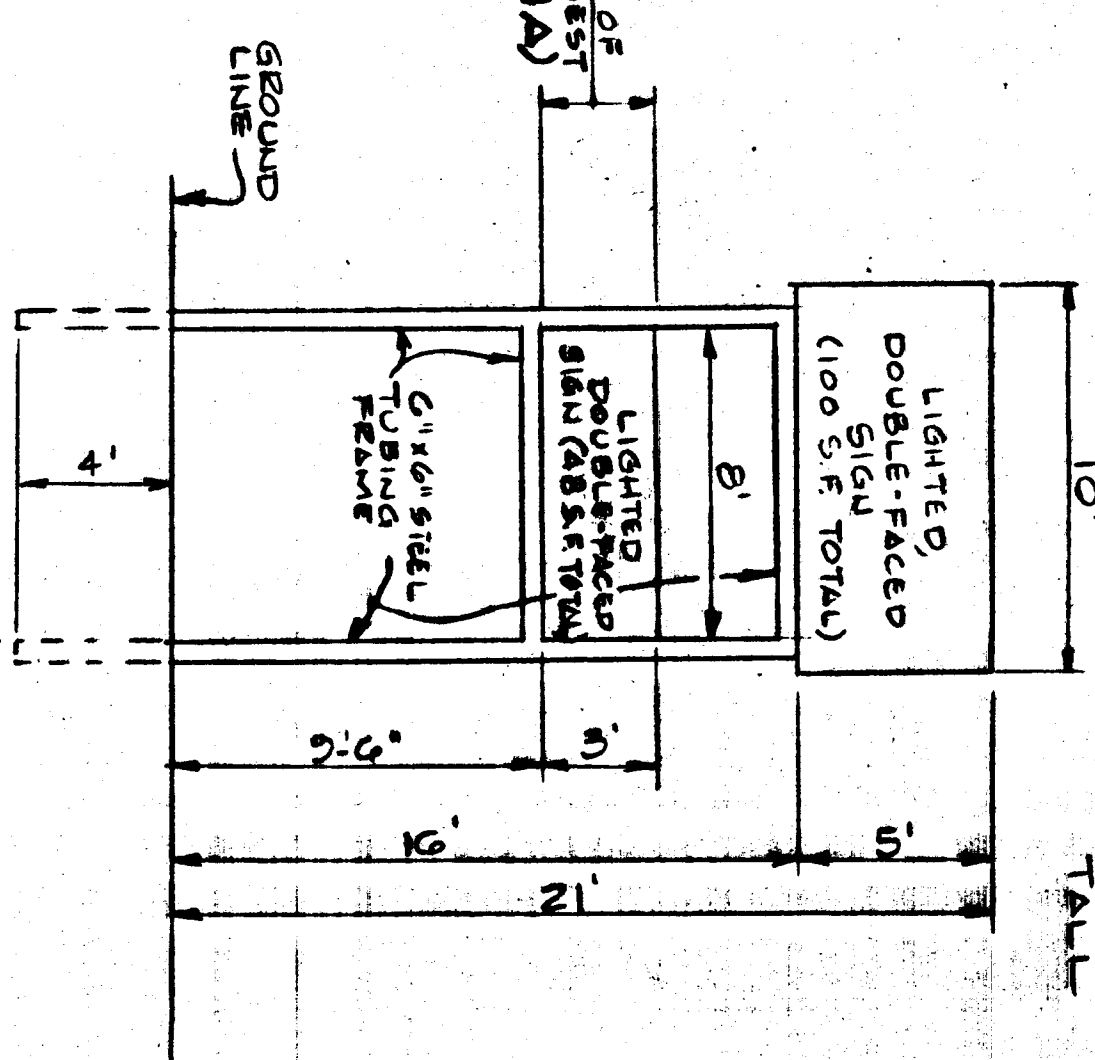
OWNER: SCHEIDT AND CERNICOFF/FORM
I have prepared this plat for the proposed building shown on this site plan. I am not responsible for the accuracy of the information provided on this plat. I am not responsible for the accuracy of the information provided on this plat. I am not responsible for the accuracy of the information provided on this plat.

OWNER: SCHEIDT AND CERNICOFF/FORM
I have prepared this plat for the proposed building shown on this site plan. I am not responsible for the accuracy of the information provided on this plat. I am not responsible for the accuracy of the information provided on this plat. I am not responsible for the accuracy of the information provided on this plat.

PLANT LIST:

- 2-ACEE BUDYUM-RED
- SUBSET MAPLE, 2 1/2" CALIBER
- G2-LIGUSTRUM OVALIFOLIUM-CALIFORNIA PEVET, 2-3' SIZE
- DATE: 8/01

SIGN DETAIL



PROPOSED USES OF EXISTING BUILDINGS

EXIST. BUILDING	PROPOSED USE	AREA
HOUSE	RESTAURANT	600 S.F.
CEMENT	RESTAURANT	150 S.F.
SMALL GARAGE	STORAGE FOR CARRY-OUT	90 S.F.

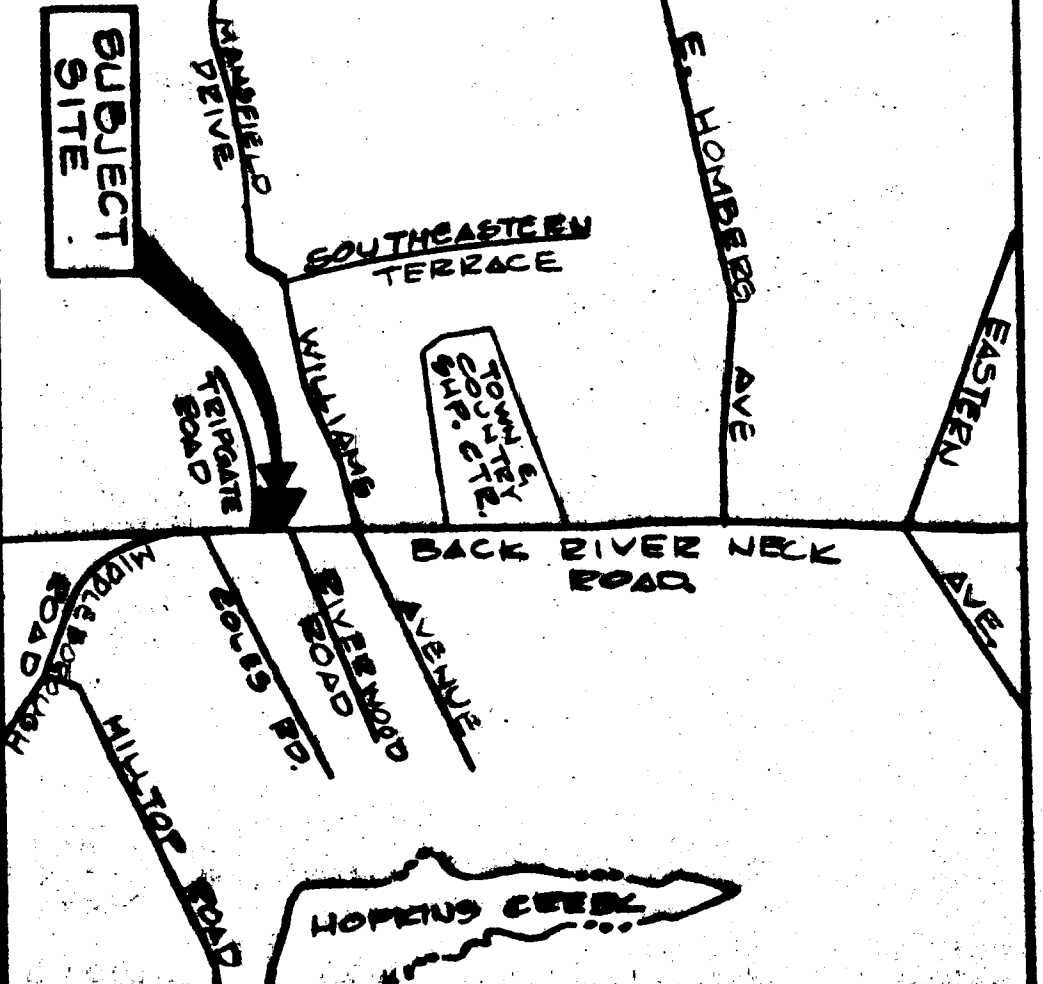
BUILDING AREA TABULATION

EXIST. HOUSE	EXIST. CEMENT	EXIST. SMALL GARAGE	SUB-TOTAL
600 S.F.	150 S.F.	90 S.F.	840 S.F.

FLOOR AREA RATIO (F.A.R.)
F.A.R. = BUILDING AREA / LOT AREA
= 840 S.F. / 2,148 S.F. = 0.39 (0.39 ALLOWED)
* INCLUDED 1/2 ROAD RIGHT-OF-WAY = 105.59' x 30' = 3,166 S.F.

PARKING DATA
REQUIRED:
CARRY-OUT = 5.0 RS/1,000 S.F. = 5.0 x 840 = 42.0
STORAGE = 5.0 RS/1,000 S.F. = 5.0 x 90 = 4.5
TOTAL = 46.5
PROVIDED: 46.5 (INCLUDES 2 H.C. W/ 1 BEING A VAN ACCESSIBLE SPACE)

VICINITY MAP
SCALE: 1"=1,000'



LOCATION INFORMATION

ELECTION DISTRICTS: 15
COUNCILMANIC DISTRICT: 5
1"=200' SCALE MAP: NE 1 I
ZONING: BL
LOT SIZE: 2,148 S.F. (NET AREA)
PREVIOUS CONVEYANCE: 2,148 S.F. (NET AREA)
TOTAL: 2,148 S.F. (NET AREA)

SEE SEPARATE DETAIL THIS SHEET FOR ZONING & BUILDINGS ON ADJACENT SITES

ME DONALD'S CORP.
BOOZ/BBQ
RESTAURANT

100 YEAR FLOOD PLAIN DOES NOT EXIST ON THIS SITE. SEE SHEET 14

PETITIONERS
EXHIBIT 14

CASE NO. 98-442-X

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD #410 27-2600 BALTIMORE, MARYLAND 21212

OWNER:
PATRICK J. MALEC
ECO. EX. NO. 21221
(410) 687-0445

PLAT TO ACCOMPANY SPECIAL EXCEPTION
202 BACK RIVER NECK ROAD
BALTIMORE COUNTY, MD.

SHEET 1 OF 1
DATE: 6/10/91
SCALE: 1"=200'
CONTACT: 97-115



TO: PATUXENT PUBLISHING COMPANY
June 18, 1998 Issue - Jeffersonian

Please forward billing to:

Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue
Suite 205
Towson, MD 21204

410-296-0200

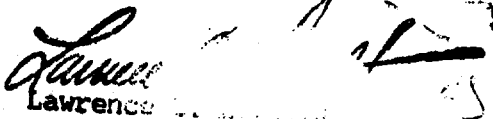
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-442-X
202 Back River Neck Road
SW/S Back River Neck Road, corner NW/S Tripgate Road
15th Election District - 5th Councilmanic District
Legal Owner: Patrick J. Malec

Special Exception for living quarters in a commercial building.

HEARING: Monday, July 6, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.